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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,466

11/28/2003

Jae Kyum Kim

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

RIGGLEMAN, JASON PAUL

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

02/28/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/722,466	<b>Applicant(s)</b> KIM ET AL.	
	<b>Examiner</b> JASON P. RIGGLEMAN	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's reply filed on 11/16/2007 is acknowledged. Current pending claims are 1-3, 5-10 and 12-20. Claims 1-3, 5, 8-9, and 12 are amended. Claims 19-20 are new. The previous 112, second paragraph, rejection of claims 2 and 9 are withdrawn in view of the amendments.

2. Applicant's arguments filed 11/16/2007 have been fully considered but they are not persuasive. In response to applicant's argument that Tetsuo does not teach a structure that reduces structure concentration, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The recesses noted in the figure below are capable of reducing stress concentration. The arguments that Tetsuo does not teach recesses in the horizontal flanges are not commensurate in scope with the claims since the amended claims are ambiguously worded and unclear (see 112, second paragraph, rejections below).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 8, and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood how the notch recesses

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are formed both “within and adjacent” to the ends of the flanges. For purposes of examination, this is assumed to be -- at. Also, claim 20 has the phrase “of both ends of the top and bottom frames at a depth that is substantially less than the depth of the flanges, respectively” repeated twice at the end of the claim. In regards to claims 19-20, the term “depth” is not understood in relationship to the dimension of the notches and flanges and frames.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 5 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not disclose a panel with notch recesses “entirely within” and at both ends of the side flanges.

Paragraph [0055] is referring to the placement of the notches in the top/bottom frames (one side or both sides) in relation to the sides. In regards to previous examination of claim 5, it has been assumed for purposes of examination that the notch recesses are formed in the top and bottom flanges ONLY; therefore, the side flanges are notchless. Claim 5 is attempting to claim only the position of the top/bottom flange notch recesses in relation to the horizontal plane of the washing machine.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

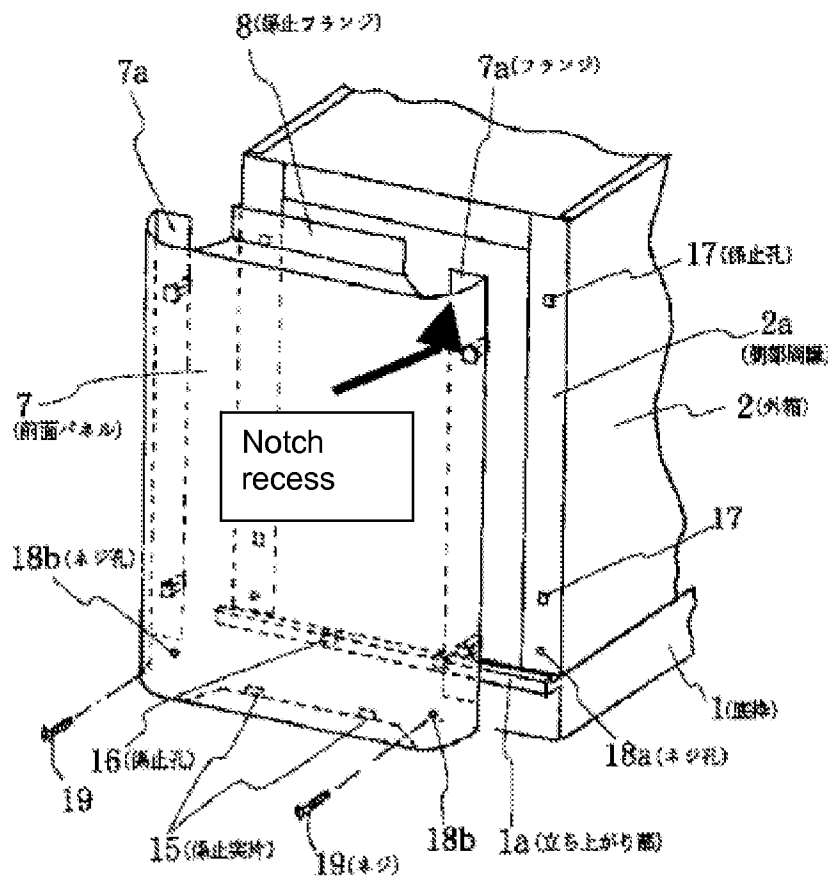
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 7-10 and 14-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tetsuo et al. (JP 8-299684).

8. Tetsuo et al. teaches a washing machine consisting of a cabinet having front, back, rear, bottom, and side panels/plates with the front panel containing a plurality of notch recesses. The body has an open front side. A tub is provided inside the cabinet, and a drum rotatably installed inside the tub, Fig. 8. The notch recesses are formed at both ends of the top and bottom flanges and in the vicinity of both ends of the top and bottom frames, Fig. 1 (see notation below).

【図1】



9. The front panel 7 consists of top and bottom flanges, respectively, which are bent from the top and bottom edges of the front panel 7 in a rear direction and, respectively and side flanges, respectively, are bent in the rear direction. The front panel also has a top frame 8 and a bottom frame 15. The notch recesses are formed at one side of portions where the front panel is assembled to the body. The notch recesses are formed at a depth that is substantially less than the “depth” of the flanges.

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10. Fig. 1, indicates notch recesses formed at the periphery of the front panel at both ends of the top and bottom flanges on the side of the panel and in the vicinity of both ends of the top and bottom of the frames, respectively. The notch recesses are formed at both ends of the side flanges.

11. The top and bottom flanges extend toward the open front side and the notch recesses are located at each corner of the top and bottom flanges. The notch recesses open toward the open front side of the cabinet body. *The flanges are formed around the entire periphery of the front panel.*

12. In the alternative, Tetsuo et al. does not teach an open front portion (where the front panel is located); however, it has been held that an obvious choice in design is not patentable (*In re Kuhle*, 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Tetsuo et al. to create an open front panel horizontal washing machine to achieve the expected result for door placement. In regards to claim 1, it is being assumed -- that the front panel in front of the body has top and bottom frames and top and bottom flanges – for purposes of examination.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetsuo et al. (JP 8-299684), as applied to claims 1 and 8 above.

15. Tetsuo et al. does not teach the U-shape of the notch recesses; however, it has been held that changes in shape are obvious (*In re Dailey* 149 USPQ 47). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tetsuo et al. to create a front panel which has notch recesses of shapes such as a U, L or V to achieve the expected result.

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Riggleman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/  
Supervisory Patent Examiner, Art Unit 1792

Jason P Riggleman  
Examiner  
Art Unit 1746

JPR